



City of Clifton

AHH 7.7001

FIRE PREVENTION BUREAU
900 CLIFTON AVENUE
CLIFTON, NEW JERSEY 07013

DAVID A. MEISBERGER
FIRE OFFICIAL

COPY

(973) 470-5801
FAX (973) 470-5844

Registration No.: 1602-61433-001-01
Municipality: City of Clifton
County: Passaic County
Inspector: Michael Onder
Inspected: March 11, 2009
Page: 1

To: Alfred Heller Heat Treating Co. - East Bldgs 1-4
362 Getty Ave
Clifton, NJ 07011

NOTICE OF VIOLATIONS and ORDER TO CORRECT

Premises: Alfred Heller Heat Treating Co. - East Bldgs 1-4
Address: 362 Getty Ave, Clifton, NJ 07011
Phone: 973-772-4200
Type of use: BG30 Factory F-1 over 24K but under 50K square feet

BUILDING OWNER
Name:
Address:
Phone:

AGENT
Marinescu, Bogden Plant Mgr

TENANT/OPERATOR

YOU ARE HEREBY NOTIFIED THAT an inspection by the City of Clifton Fire Prevention Bureau disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.), promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations Report" page(s).

YOU ARE HEREBY ORDERED by the FIRE OFFICIAL to correct the violations listed on the accompanying "Violations Report" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day, or as otherwise authorized by the Act and Bureau Regulations.

IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information about this order, please call the Fire Prevention Bureau at (973) 470-5804.

For questions contact: Michael Onder

David A. Meisberger
David A. Meisberger, Fire Official

APPEAL RIGHTS-EXTENSIONS

See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

SDMS Document



110244

VIOLATIONS

Premises: Alfred Heller Heat Treating Co. - East Bldgs 1-4
362 Getty Ave

Clifton, NJ 07011

Registration No. 1602-61433-001-01
Inspection Date: March 11, 2009
Initial Inspector:
Print Name: Michael Onder
Page number: 2

Owner/Agent:

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Date:

Inspector:

The violations cited on the above premises are as follows:

Number	Description (Maintenance: 15 Retrofit: 0)	Abate by	U/A	U/A	U/A
1.	Location: Throughout Nature: All buildings need to be secured at all times. Code Section: N.J.A.C. 5:70-3,311.2.1	04/16/2009			
2.	Location: Throughout Nature: Remove all hazardous materials. Code Section: N.J.A.C. 5:70-3,311.4	04/16/2009			
3.	Location: Throughout Nature: Apply for a closure permit from the Fire Official Code Section: N.J.A.C. 5:70-3,2701.5	04/16/2009			
4.	Location: Throughout Nature: Provide a current hazardous materials management plan. Code Section: N.J.A.C. 5:70-3,2701.5.1	04/16/2009			
5.	Location: Throughout Nature: Provide a current hazardous materials inventory statement. Code Section: N.J.A.C. 5:70-3,2701.5.2	04/16/2009			
6.	Location: Throughout Nature: Provide a facility closure plan. Code Section: N.J.A.C. 5:70-3,2701.6.3	04/16/2009			
7.	Location: All Gates on Getty Ave Nature: Install a hazard identification sign as per NFPA 704. Code Section: N.J.A.C. 5:70-3,2703.5	04/16/2009			
8.	Location: Throughout Nature: Secure all propane cylinders in a proper cage outside of the building Code Section: N.J.A.C. 5:70-3,3003.5.3	04/16/2009			
9.	Location: Outside 30,000 gal propane tank Nature: Remove propane tank or purge and secure all fuel lines, gauges or openings. Code Section: N.J.A.C. 5:70-3.1(a)36, P-3608.2.2	04/16/2009			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.
"U" Unabated - Violation uncorrected.
"A" Abated - Violation corrected.

Number	Description	Abate by	U/A	U/A	U/A
10.	Location: Throughout Nature: Remove all extension cords. Code Section: N.J.A.C. 5:70-3.605.5	04/16/2009			
11.	Location: Throughout Nature: All underground tanks need to be abandoned as per NJ Uniform Construction Code and DEP Regulations. Code Section: N.J.A.C. 5:70-3.2(a)32,F-3208.11.3	04/16/2009			
12.	Location: Throughout Nature: All aboveground tanks need to be abandoned as per NJ Uniform Construction Code and DEP Regulations. Code Section: N.J.A.C. 5:70-3.2(a)32,F-3208.11.3	04/16/2009			
13.	Location: Throughout Nature: All defective drums shall be removed or repaired in accordance with approved standards. Code Section: N.J.A.C. 5:70-3.1(a)23,F-2313.2.3	04/16/2009			
14.	Location: Outside Nature: UNREGISTERED VEHICLES - Remove all unregistered and/or junk vehicles. Code Section: City Ord. 461.61	04/16/2009			
15.	Location: Outside Nature: PROPERTY MAINTENANCE - Remove excessive weeds and/or rubbish from property Code Section: N.J.A.C. 5:70-3.304.1.1	04/16/2009			
16.	Location: For Business Nature: NON LHU REGISTRATION - Fill out local registration form and return to inspector. Code Section: City Ordinance 6578-06	04/16/2009	A		
17.	Location: Throughout Nature: All unused electrical equipment, wiring, fixtures, circuits, shall be removed or secured in place. Code Section: N.J.A.C. 5:70-3.2(a)3,F-310.9	04/16/2009			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated - Violation uncorrected.

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ADDITIONAL EXPLANATION

Violation #01: All buildings need to be secured at all times.

311.2.1 Security. Exterior openings and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals.

Violation #02: Remove all hazardous materials.

311.4 Removal of hazardous materials. Persons owning or having charge or control of a vacant building containing hazardous materials regulated by Chapter 27 shall comply with the facility closure requirements of Section 2701.6.

Violation #03: Apply for a closure permit from the Fire Official

2701.5 Permits. Permits shall be required as set forth in Subchapter 2 of the Uniform Fire Code. When required by the fire code official, permittees shall apply for approval to permanently close a storage, use or handling facility. Such application shall be submitted at least 30 days prior to the termination of the storage, use or handling of hazardous materials. The fire code official is authorized to require that the application be accompanied by an approved facility closure plan in accordance with Section 2701.6.3.

2701.5.1 Hazardous Materials Management Plan.

Where required by the fire code official, each application for a permit or life hazard use registration shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall include a facility site plan designating the following:

- 1) Storage and use areas.
- 2) Maximum amount of each material stored or used in each area.
- 3) Range of container sizes.
- 4) Locations of emergency isolation and mitigation valves and devices.
- 5) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines.
- 6) On and off positions of valves for valves that are of the self-indicating type.
- 7) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.
- 8) The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

2701.5.2 Hazardous Materials Inventory Statement

(HMIS). Where required by the fire code official, an application for a permit or life hazard use registration shall include an HMIS, such as SARA (Superfund Amendments

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and Reauthorization Act of 1986) Title III, Tier II Report, or other approved statement. The HMIS shall include the following information:

- 1) Manufacturer's name.
- 2) Chemical name, trade names, hazardous ingredients.
- 3) Hazard classification.
- 4) MSDS or equivalent.
- 5) United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identification number.
- 6) Maximum quantity stored or used on-site at one time.
- 7) Storage conditions related to the storage type, temperature and pressure.

Violation #04: Provide a current hazardous materials management plan.

2701.5.1 Hazardous Materials Management Plan.

Where required by the fire code official, each application for a permit or life hazard use registration shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall include a facility site plan designating the following:

- 1) Storage and use areas.
- 2) Maximum amount of each material stored or used in each area.
- 3) Range of container sizes.
- 4) Locations of emergency isolation and mitigation valves and devices.
- 5) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines.
- 6) On and off positions of valves for valves that are of the self-indicating type.
- 7) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.
- 8) The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

Violation #05: Provide a current hazardous materials inventory statement.

2701.5.2 Hazardous Materials Inventory Statement

(HMIS). Where required by the fire code official, an application for a permit or life hazard use registration shall include an HMIS, such as SARA (Superfund Amendments and Reauthorization Act of 1986) Title III, Tier II Report, or other approved statement. The HMIS shall include the following information:

- 1) Manufacturer's name.
- 2) Chemical name, trade names, hazardous ingredients.
- 3) Hazard classification.
- 4) MSDS or equivalent.
- 5) United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identification number.
- 6) Maximum quantity stored or used on-site at one time.

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- 7) Storage conditions related to the storage type, temperature and pressure.

Violation #06: Provide a facility closure plan.

2701.6.3 Facility closure plan. When a facility closure plan is required in accordance with Section 2701.5 to terminate storage, dispensing, handling or use of hazardous materials, it shall be submitted to the fire code official at least 30 days prior to facility closure. The plan shall demonstrate that hazardous materials which are stored, dispensed, handled or used in the facility will be transported, disposed of or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety.

Violation #07: Install a hazard identification sign as per NFPA 704.

2703.5 Hazard identification signs. Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official.

2703.5.1 Markings. Individual containers, cartons or packages shall be conspicuously marked or labeled in an approved manner. Rooms or cabinets containing compressed gases shall be conspicuously labeled: COMPRESSED GAS.

Violation #08: Secure all propane cylinders in a proper cage outside of the bu

3003.5.3 Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:

- 1) Securing containers, cylinders and tanks to a fixed object with one or more restraints.
- 2) Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.
- 3) Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.
- 4) Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use.

Exception: Compressed gas containers, cylinders and tanks in the

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process of examination, filling, transport or servicing.

Violation #09: Remove propane tank or purge and secure all fuel lines, gauges

F-3608.2.2 Safeguarded: Any tank not utilized for a period of 10 months shall be properly safeguarded or removed in an approved manner.

Violation #10: Remove all extension cords.

605.5 Extension cords. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.

605.5.1 Power supply. Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one portable appliance.

605.5.2 Ampacity. The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.

605.5.3 Maintenance. Extension cords shall be maintained in good condition without splices, deterioration or damage.

605.5.4 Grounding. Extension cords shall be grounded when serving grounded portable appliances.

Violation #11: All underground tanks need to be abandoned as per NJ Uniform Co

* F-3208.11.3 Removal: Any tank abandoned for a period of one year shall be abandoned in place or removed from the premises in an approved manner, and the site restored in an approved manner, in accordance with the New Jersey Uniform Construction Code and the applicable requirements of the Department of Environmental Protection.

Violation #12: All aboveground tanks need to be abandoned as per NJ Uniform Co
See explanation for violation #11.

Violation #13: All defective drums shall be removed or repaired in accordance

F-2313.2.3 Defective containers, cylinders and tanks: Defective containers, cylinders and tanks shall be removed from service, repaired in accordance with approved standards, or disposed of in an approved manner.

Violation #14: UNREGISTERED VEHICLES - Remove all unregistered and/or junk veh

Violation #15: PROPERTY MAINTENANCE - Remove excessive weeds and/or rubbish fr

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304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

Violation #16: NON LHU REGISTRATION - Fill out local registration form and ret

Violation #17: All unused electrical equipment, wiring, fixtures, circuits, sh

- * F-310.9 Unused equipment: All unused fixtures, circuits wiring and electrical devices or fixtures shall be removed or properly secured in place.

ADMINISTRATIVE APPEAL RIGHTS

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GENERAL

YOU MAY CONTEST THESE ORDERS BY FILING AN APPEAL. The request for a hearing must be made in writing within 15 DAYS after receipt of this order and addressed to:

County of Passaic
Administration Building
Office of the County Counsel - Room 214
Paterson, New Jersey 07505

Copy to: City of Clifton
Fire Prevention Bureau
900 Clifton Avenue
Clifton, New Jersey 07013

In accordance with the rules promulgated under the Administrative Procedure Act (NJSA 52:148-1 et. seq. and 52:14F-1 et. seq.) an appeal request must sufficiently identify the decision or action you wish to appeal, and the specific reasons forming the basis for your dispute, in order that a decision may be made as to whether your appeal constitutes a contested case.

You are advised that only matters deemed to be CONTESTED CASES, as defined by the Administrative Procedures Act, will be scheduled for a Hearing. If a hearing is scheduled, you will be notified in advance of the time and place.

You are also advised that the appeal to the Construction Board of Appeals must be accompanied by the fee of \$100.00; payable to Passaic County Construction Board of Appeals.

At a hearing, a corporation may be represented only by a licensed attorney, unless prior approval is given by the Office of Administrative Law.

EXTENSIONS

If a specified time has been given to abate a violation, YOU MAY REQUEST AN EXTENSION OF TIME by submitting a WRITTEN request to the CITY OF CLIFTON FIRE PREVENTION BUREAU. To be considered, the request must be made before the compliance date specified and must set forth the work accomplished, the work remaining, the reason why an extension of time is necessary, and the date by which all work will be completed.

TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.10(d), an application for an extension constitutes an admission that the violation notice is factually and procedurally correct, and that the violations do or did exist. In addition, the request for an extension constitutes a waiver of the right to a hearing as to those violations for which an extension is applied.

PENALTIES

Violation of the Code is punishable by monetary penalties of not more than \$5,000 PER DAY FOR EACH VIOLATION. Each day a violation continues is an additional, separate violation except while an appeal is pending. Specific penalties are as follows:

- a. Failure to install required protection equipment after having been given written notice of the requirement to do so: A maximum of \$ 2,500 per violation per day.
- b. Failure to abate any violation after having been given notice of the violation: A maximum of \$ 5,000 per violation per day.
- c. Storage of any material in violation of this Code or the conduct of any process in violation of the Code: A maximum of \$ 5,000 per violation per day.
- d. Blocking, locking, or obstructing required exits:
 - i. In a place of public assembly: A maximum of \$ 5,000 per occurrence.
 - ii. In any other place: A maximum of \$ 2,500 per occurrence.
- e. Disabling or vandalizing any fire suppression or alarm device or system:
 - i. In a place of public assembly: A maximum of \$ 5,000 per occurrence.
 - ii. In any other place: A maximum of \$ 1,000 per occurrence.
- f. Failure to obey a Notice of Imminent Hazard and Order to Vacate: A maximum of \$ 5,000 per day for each day that the failure continues.
- g. Failure to obey an Order to Close for a fixed period of time: A Maximum of \$ 5,000 per day that the failure continues.
- h. Obstructing the entry into a premises or interfering with the duty of an authorized inspector: A maximum of \$ 2,500 for each occurrence.
- i. Any willfully false application for a Permit or Registration: A maximum of \$ 1,000.00 for each occurrence.
- j. Any other act or omission prohibited by the Act or the Regulations: A maximum of \$ 5,000 per violation per day.

Claims arising out of penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to others previously assessed. Penalties must be paid in full within 30 days after an order to pay. If full payment is not made within 30 days, the matter will be referred to the Municipal Attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.).

NOTICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.

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